

**REMARKS**

Replacement drawings are submitted herewith as required by the Examiner in the first paragraph of the Office Action.

In the Office Action, the Examiner noted that claims 1-46 are pending in the application, and that claims 1-46 are rejected. By this amendment, claims 8, 35, and 43 have been amended. Thus, claims 1-46 are pending in the application. The Examiner's rejections are traversed below.

**Rejection of claims 1-46 under 35 U.S.C. § 101**

The Examiner rejected claims 1-46 as directed to non-statutory subject matter under 35 U.S.C. § 101. The Examiner argued that none of the claims are limited to a practical application in the technological arts (Office Action dated 08/19/2005, page 3), and that applicant cites no specific results that define a useful, concrete and tangible result (Office Action, page 5). This rejection is respectfully traversed.

Applicant respectfully refers Examiner to the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Interim Guidelines) published on November 22, 2005, as the latest agency guidelines on examination of applications for compliance with 35 U.S.C. § 101.

Regarding the Examiner's first argument that none of the claims are limited to a practical application in the technological arts, the Interim Guidelines state that the technological arts test is no longer to be used (Interim Guidelines, Annex III).

Regarding the Examiner's second argument that the applicant cites no specific result that defines a useful, concrete and tangible result, just such a specific result is stated at the end of claim 1. When claim 1 is considered as a whole, as required by the Interim Guidelines § IV, the

last line of claim 1, “the decision making used to initiate at least one action with respect to the at least one aerial combat situation,” recites a useful, concrete and tangible result.

The step of initiating an action meets the standard of a useful, concrete, and tangible result as stated in the Interim Guidelines § IV(C)(2). The initiation of action is useful because it initiates an action that has clear military applications. The initiation of an action is tangible, because it is a step in a process for taking action in an aerial combat situation. Finally, the initiation of an action is concrete, because it is repeatable.

#### **Rejection of claims 1-46 under 35 U.S.C. § 112**

The Examiner rejected claims 1-46 under 35 U.S.C. § 112, as a consequence of rejecting claims 1-46 under 35 U.S.C. § 101. Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 112 in light of applicant’s response to the rejection under 35 U.S.C. § 101.

#### **Rejection of claims 1, 3, 4, and 43-46 under 35 U.S.C. § 102**

The Examiner rejected claims 1, 3, 4, and 43-46 under 35 U.S.C. § 102 as being anticipated by U.S.P.N 6,278, 401 issued to Wigren (“Wigren”). This rejection is respectfully traversed.

Wigren is directed towards a system for tracking targets and estimating a target type using data from various sensors. In general, Wigren operates by mathematically processing current and past sensor measurements. Use of future measurement has no place in the estimation system of Wigren. Further, to operate correctly, Wigren need only been initialized with the proper information, no ongoing interaction or feedback is required.

### Claim 1

Regarding claim 1, Wigren fails to teach either a tactical agent, or “one tactical agent that includes data corresponding to . . . longer-term possibilities.”

First, Wigren fails to teach the element of a tactical agent. Embodiments of the present invention are directed towards a tactical agent, and as described in the specification, “Agents and humans collaborate because humans and agents jointly perform tasks” (Specification, page 3). The specification further describes that, “The described ATS provides a feedback loop between an intelligent agent and a user,” and “Agents and users (humans or other agents) exchange information throughout ATS running” (Specification, page 3).

The Examiner cited a portion of Wigren stating that “the flow of the different measurements are shown together with the dependence of the user selected probability of correct detection.” The probability of correct detection is described as,

“All parameters can therefore be computed from knowledge of the probability of correct detection for the sensor. This single detection probability therefore constitutes the only input parameter, except the original definition of the target type system, which is necessary to define the probabilities in the look-up table” (col. 9, lines 1-19).

Therefore, although the portion of Wigren cited by the Examiner does suggest that the user inputs data into the system, this input is at most a single parameter. The input of a single parameter in Wigren does not teach the element of a tactical agent as that term is understood in light of the specification.

Second, Wigren fails to teach a system that “includes data corresponding to . . . longer-term possibilities.” The portion of Wigren cited by the Examiner describes the system as using measurements  $M_q$  and  $M_{q-1}$  in computing the next target type probability. These measurements are described on column 7, lines 33-38, as “the last two measurements.” Because Wigren uses

prior measurements to estimate a target type, and not future measurements, Wigren cannot not teach a system that “includes data corresponding to . . . longer-term possibilities.”

**Claim 3**

Claim 3 depends from claim 1, and therefore claim 3 is believed to be allowable for at least the same reasons as claim 1.

**Claim 4**

Claim 4 depends from claim 1, and therefore claim 4 is believed to allowable for at least the same reasons as claim 1.

**Claim 43**

Regarding claim 43, the rejection fails to address all the limitations of the claim. Specifically, the rejection does not address a “tactical agent object that includes a plurality of resources,” therefore applicant respectfully requests this rejection to be withdrawn.

**Claim 44**

Claim 44 recites the features of a tactical agent, and “one tactical agent that includes data corresponding to . . . longer-term possibilities,” as found in claim 1. Therefore claim 44 is believed to be allowable for at least the same reasons as claim 1.

**Claim 45**

Claim 45 also recites the features of a tactical agent, and “one tactical agent that includes data corresponding to . . . longer-term possibilities,” as found in claim 1. Therefore claim 45 is believed to be allowable for at least the same reasons as claim 1.

**Claim 46**

Claim 46 also recites the features of a tactical agent, and “one tactical agent that includes data corresponding to . . . longer-term possibilities,” as found in claim 1. Therefore claim 46 is believed to be allowable for at least the same reasons as claim 1.

### **CONCLUSION**

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicant reserves the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, Applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicant specifically retracts statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

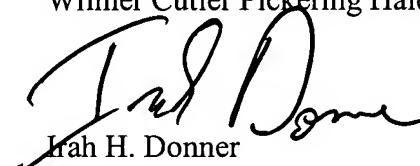
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required in addition to that requested in the petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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